

**Introduced by Senator Lowenthal**

February 24, 2006

---

An act to amend Section 25534.1 of, and to add Section 25536.6 to, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1829, as introduced, Lowenthal. Hazardous materials: accidental releases: ambient air.

(1) Existing law provides that the program for the prevention of accidental releases of regulated substances adopted by the Environmental Protection Agency pursuant to the Clean Air Act is the accidental release prevention program for the state. The term "regulated substance" is defined for those purposes as a substance listed in specified federal regulations and criteria. The Office of Emergency Services is required to determine which of those extremely hazardous substances meet those criteria or pose a regulated substances accident risk. Existing law requires a stationary source to submit a Risk Management Plan (RMP) to the administering agency, based upon the likelihood of a regulated substances accident risk.

This bill would require an administering agency that is an air pollution control district or air quality management district, after making specified findings, to require an owner or operator of a facility handling regulated substances that have the potential to vent into the atmosphere through a pressure relief valve, except as specified, to use methods, techniques, structures, or equipment that are capable of preventing the escape of regulated substances into the ambient air.

(2) Existing law requires that each RMP prepared pursuant to the above provision give consideration to the proximity of the facility to schools, among other facilities. The term "school" is defined for these purposes as any school used for the purpose of the education of more

than 12 children in kindergarten or grades 1 to 12, inclusive. A knowing violation of those requirements is a crime.

This bill would revise the definition of “school” for these purposes to include schools of more than 6 children in kindergarten or grades 1 to 12, inclusive.

Because a violation of those requirements would be a crime, and because the bill would impose new duties upon local administering agencies, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25534.1 of the Health and Safety Code  
2 is amended to read:

3 25534.1. Each RMP required to be prepared pursuant to this  
4 article shall give consideration to the proximity of the facility or  
5 proposed facility to populations located in schools, residential  
6 areas, general acute care hospitals, long-term health care  
7 facilities, and child day care facilities. For purposes of this  
8 section, “general acute care hospital” has the meaning provided  
9 by subdivision (a) of Section 1250, “long-term health care  
10 facility” has the meaning provided by subdivision (a) of Section  
11 1418, and “child day care facility” has the meaning provided by  
12 Section 1596.750. “School” means any school used for the  
13 purpose of the education of more than ~~12~~ six children in  
14 kindergarten or any of grades 1 to 12, inclusive.

15 SEC. 2. Section 25536.6 is added to the Health and Safety  
16 Code, to read:

17 25536.6. (a) Except as provided in subdivision (c), an  
18 administering agency that is a district, as defined in Section  
19 39025, shall require an owner or operator, as described in  
20 subdivision (b), to use methods, techniques, structures, or  
21 equipment that are capable of preventing the escape of regulated

1 substances into the ambient air, if the district makes both of the  
2 following findings:

3 (1) There is a significant likelihood that an accidental release  
4 of a regulated substance could occur during handling at the  
5 facility.

6 (2) Emergency response measures that would be implemented  
7 in response to the accidental release and technologies that have  
8 been installed at the facility to mitigate its effects are likely to  
9 fail or are not capable, under pessimistic meteorological  
10 conditions, of preventing the dispersion of released regulated  
11 substances offsite.

12 (b) “Owner or operator,” for purposes of this section, means  
13 an owner or operator of a facility handling regulated substances  
14 that have the potential to vent into the atmosphere through a  
15 pressure relief valve.

16 (c) Subdivision (a) does not apply to swimming pools, spas,  
17 and refrigeration units.

18 SEC. 3. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the  
23 penalty for a crime or infraction, within the meaning of Section  
24 17556 of the Government Code, or changes the definition of a  
25 crime within the meaning of Section 6 of Article XIII B of the  
26 California Constitution.